

MIDDLETOWN TOWN COUNCIL
MEETING MINUTES
November 14, 2011

The Middletown Town Council Meeting was held in the Council Chamber, 7875 Church Street, Middletown, VA on Monday, November 14, 2011 at 7:00 pm.

Town Council Present

Mayor Marshall Brown
Councilor Gil Barrington
Councilor Carl H. Bernhards
Councilor John Blaisdell
Councilor Mark H. Davis
Councilor Donna M. G. Gray
Councilor Charles H. Harbaugh, IV.

Staff Present

Joan F. Roche, Town Manager
Rebecca L. Layman, Municipal Clerk
Donald Riffey, Superintendent of Public Works

Staff Absent

R. Philip Breedon, Chief of Police

Town Attorney

Stephen G. Butler

1. Call to Order

Mayor Brown called the meeting to order at 7:00 p.m.

2. Moment of Silence

Mayor Brown called for a moment of silence, and asks that we keep in mind our Veterans especially those overseas and in harm's way as well as their families.

3. Pledge of Allegiance

Mayor Brown led those present in the Pledge of Allegiance.

*Mayor Brown introduced the new member to the Town Council Gilbert Barrington.

4. Roll Call

All Councilors were present.

5. Set Agenda.

Councilor Blaisdell made a motion to set the agenda. Councilor Harbaugh seconded the motion. All councilors were in favor.

6. Citizen Comments.

There were no citizen comments.

7. Approval of Previous Council Meeting Minutes

Councilor Barrington made a motion to approve the minutes from the October 11, 2011 Public Hearing and Town Council meeting. Councilor Blaisdell seconded the motion. All Councilors were in favor. The minutes were approved.

8. Report of the Facilities Committee

Councilor Davis reported that he checked out the ceiling in the upstairs of the Town office and it can be discussed at the Committee meeting. Councilor Davis said it did not look too bad to him and he did not think there were too many concerns about safety or asbestos. Councilor Davis felt that no money needed to be spent and that the Town can do the repairs.

9. Report of the Personnel and Finance Committee

Councilor Bernhards made a motion on the Third and Final reading of moving the Town elections from May to November Article III, Section 2-9 Election of Council and Mayor. Councilor Blaisdell seconded the motion. Councilor Davis pointed out the word unanimously needed to be taken out on the Resolution. Mayor Brown said that if the vote is not unanimous then the change will be made. Councilor Bernhards stated that the Town will receive a bill from the special election that was just held on November 8, and that will give the Town a good idea on how much it is going to cost, and he does not see how it would cost very much more to have 3 people on the election ballot opposed to one. Councilor Bernhards stated the he was glad to hear that when he went to vote there were 127 people from Middletown who had already voted. Mayor Brown asked for a roll call vote.

Councilor Bernhards – Yes
Councilor Harbaugh – No
Councilor Barrington – Yes

Councilor Gray – No
Councilor Blaisdell – Yes
Councilor Davis – Yes

Motion carried 4-2

Councilor Bernhards read the Resolution into the records for the Amendment to the Town of Middletown Town Charter of 1954. Councilor Bernhards made a motion to approve the Resolution. Councilor Blaisdell seconded the motion. Mayor Brown asked for a roll call vote. Councilor Davis asked what was voted on previously and Mayor Brown stated it was to change the Code. Mayor Brown stated this vote is to approve the Resolution. Councilor Gray asked if section 2.1 is the same as what we have here, because it says 2.9. Mayor Brown stated that is the code verses the charter.

Councilor Bernhards – Yes
Councilor Harbaugh – Yes
Councilor Barrington – Yes

Councilor Gray – No
Councilor Blaisdell – Yes
Councilor Davis – Yes

Motion carried 5-1

Town Council to elect the new Town Attorney J. David Griffin. Mayor Brown asked that we come back to this agenda, because he would like to give a little history on Mr. Griffin and couldn't find the sheet of paper that was given to him by The Town Manager. Mayor Brown asked Town Manager Roche to get the information for him.

Councilor Bernhards announced the hiring of the three new employees by the Town of Middletown. Brenda Wolverton who is the trainee for the Waste Water Treatment Plant Operator, John Rush a maintenance worker, and Joe Miller a maintenance worker.

Councilor Bernhards gave the Treasurer's report. Mayor Brown asked for questions or comments. Councilor Gray asked why is there a \$25.00 service fee on the First Bank and there is no fee at BB&T for those accounts. Councilor Bernhards stated that there are fees at BB&T. Mayor Brown asked Councilor Bernhards to bring those fees to the Work Session meeting.

Councilor Bernhards made a motion to pay the bills that have been presented. Councilor Harbaugh seconded the motion. Mayor Brown asked for questions and comments. Councilor Gray commented on

the drug test for the employees did anyone decide where we are going to limit that or are we still doing two or more a month. Town Manager Joan Roche stated that they are done quarterly and no one has been sent for the last two months. All councilors were in favor in paying the bills.

10. Report of the Public Works Committee

Councilor Harbaugh stated that the Northern Shenandoah Regional Water Supply Plan was submitted to the Department of Environmental Quality on November 1, 2011.

Councilor Harbaugh made a motion for the Third and Final reading of “AN ORDINANCE TO AMEND CHAPTER 15, WATER, ARTICLE III, WATER RATES AND CHARGES, SEC 15-29 DELINQUENT PAYMENTS OF THE CODE OF THE TOWN OF MIDDLETOWN, VIRGINIA.” Mayor Brown wants the audience and Council to be aware that changes were made to the ordinance in the last 45 minutes. The changes were editing changes, because of the ambiguous wording. Mayor Brown asks that Councilor Harbaugh read the changes that were made. Mayor Brown stated that on the First and Second reading it had said that if the account was paid within a “total of 35 days”. That has been changed to read 15 days after the 30-day delinquent notice has been sent, which is a total of 45 days. In the latter part of the paragraph the verbiage was also ambiguous in defining the total amount of charges that would be necessary to turn the water back on. The charge is \$50.00 to turn off the water and \$50.00 to turn the water back on. If the customer comes in after normal business hours and someone has to be called in to turn the water on, or on weekends, there is an additional charge of \$50.00 making it \$100.00 to turn the water back on. Mayor Brown asked for questions and comments. Councilor Bernhards stated that he would like to make sure that we follow the procedure and would like to second Councilor Harbaugh’s motion. Councilor Gray stated that she is not in support of this and does not believe that we should be burdening our residents with additional fees especially when they are having trouble paying their bill to begin with. All of the increases whether from the Town or the City of Winchester, and even though she does not support it she feels it is inappropriate for us to be voting on it in the Third and Final without the Councils input and discussion at meeting for it to be rewritten prior to voting. Councilor Bernhards stated for the record that we had no one speak at the Public Hearing regarding this being for or against it. Mayor Brown asked for a roll call vote.

Councilor Bernhards – Yes
Councilor Harbaugh – Yes
Councilor Barrington – Yes

Councilor Gray – No
Councilor Blaisdell – Yes
Councilor Davis – Yes

Mayor Brown thanked the Council for their work, and Councilor Davis for coming forward with suggestion and assistance with the wording.

Motion carried 5-1

Mayor Brown went back to item 9B on the agenda. The Mayor stated under the Town Code the Council is required to elect a new Town Attorney. There were two applicants and the gentleman selected is Mr. J. David Griffin from the Winchester Law Group. Mayor Brown gave a brief summary of Mr. Griffin’s history as an Attorney. Councilor Bernhards made a motion to elect the new Town Attorney J. David Griffin. Councilor Barrington seconded the motion. Mayor Brown asked for a roll call vote.

Councilor Bernhards – Yes
Councilor Harbaugh – Yes
Councilor Barrington – Yes

Councilor Gray – Yes
Councilor Blaisdell – Yes
Councilor Davis – Yes

Motion carried 6-0

Councilor Bernhards asked if we could get a report from Mr. Riffey regarding the water main breaks and leaks that the Town has. Mr. Riffey stated that they fixed two of the major leaks that they found and are currently getting bids for the Church Street line repairs. Mr. Riffey stated he has gotten two bids back and is waiting on two other bids, and will have something for the Committee meeting next week. Mr. Riffey stated that we should see a major difference in the upcoming water bill from Winchester. Mayor Brown stated that a professional team came in from Virginia Rural Water Association who we pay our annual dues to. They came in and did a hundred percent survey of the Towns water lines with some very sensitive equipment, and effectively identified the leaks that they have already fixed this week, and the one they want to take care of on Church Street.

11. Report of Public Safety Committee

Report of the Police Department given by Councilor Barrington (attached).

Mayor Brown stated that the new Chair of the Public Safety Committee will be Councilor Barrington, and he will also sit on the Personnel and Finance Committee, and the Public Works Committee.

12. Report of the Ordinance Committee

Councilor Gray stated she is working on a new ordinance for delinquent water bills for property owners and tenants, and maybe will have something by the Committee meeting.

13. Report of the Planning and Zoning Committee

Councilor Blaisdell stated that there were two vacancies on the Planning Commission. Councilor Davis reiterated that the Planning Commission plays an important role in the community, because it is the only entity that in any kind of official capacity has a say in how our Town grows and develops in the future. Councilor Davis stated that the Planning Commission work session this month is November 21 at 7:00p.m.

14. Report of Special Committees

Councilor Bernhards stated that the Middletown Garden Club Holiday House Tours have been cancelled. There will be a Thanksgiving Day service at St. Thomas Chapel at 10:00 a.m. on Thanksgiving Day. There will be a Christmas Holiday concert at St. Thomas Chapel at 7:00 p.m. on December 17, and is free to everyone, but a good will offering will help keep the restoration up at St. Thomas Chapel. Belle Grove will be open during the holidays with new hours so you may want to check before going, what their hours will be.

15. New or Unfinished Business

Mayor Brown stated the announcement of the Vice Mayor for the Town of Middletown is an internal decision made by Council. Mayor Brown stated that the position is open for those Councilors who are interested in the position of Vice Mayor and asked those Councilors interested in the position to come forth during the next Committee meeting. At that time a selection will be made.

Next Committee Meeting will be November 22

Next Work Session Meeting will be December 5

Town Council Meeting will be December 12

Flu shot clinic will be on November 17 in the Council Chambers from 5:00 p.m. to 7:00 p.m. courtesy of Lantz's Pharmacy.

Mayor Brown would like to thank the people of Middletown and the staff in the office for coordinating donations for the Fletcher family. Most donations were left anonymously and do not have a list of names,

but would like to Thank all those who gave donations. Mayor Brown would also like to thank reporter Sue Golden and the Frederick County Report for her story that was put in the newspaper the very next day.

16. Petitions and Communications

Mayor Brown had a Certificate of Recognition for Councilor Gerald D. Sinclair for coming forward in filling the vacant seat of John Owings on Council.

Councilor Blaisdell would like to thank everyone for the expressions of sympathy on the death of his mother.

17. Adjournment

Councilor Blasidell made a motion to adjourn. Councilor Harbaugh seconded the motion. All Councilors were in favor. Meeting adjourned at 7:35 pm.

Gerald D. Sinclair, Vice Mayor

Rebecca L. Layman
Town Clerk